

**CMV Working Group  
July 17, 2006 Meeting  
11 a.m. RBC Center**

- I. Welcome and overview of today's meeting: Darrell Jernigan  
Attendees:

Darrell Jernigan, Chair GHSP	Don Nail GHSP	Beth Horner GHSP
J.C. Miller Roadway Express, Inc.	John Stokes GHSP	Rick Cates N.C. Trucking Association
Major Munday Highway Patrol	Fred Rosendahl NCDOT- Traffic Engineering	Captain Robert Flynt Greensboro Police
Major Carden Highway Patrol	Jerry Waddell Cargo Transporters	Kevin Breedlove FMCSA-NC Division
Charlie Diehl NC Trucking Association	Kevin Lacy NCDOT-Traffic Engineering	Cliff Braam NCDOT-Traffic Engineering
Captain George Gray Highway Patrol	Captain Marc Nichols Highway Patrol	Ron Hughes NCSU-ITRE
Anthony Wyatt DOT Traffic Field and Operations & Support	Kimberly Overton N.C. Conference of District Attorneys	Catherine McLaurin GHSP

- A. Update on Recent Legislation: Language is now in safety belt law requiring CMV drivers to wear safety belts. This passed in the General Appropriations Budget. Backseat passengers are also now required to buckle up as a result of the passage of Senate Bill 774. Gov. Easley has signed the CMV bill – it is now law. Gov. Easley has not yet signed Senate Bill 774.

- B. Emerging Issues regarding CMV:

- Kimberly Overton mentioned that the Governor's DWI Taskforce recommendations to legislature are now in discussion. Senate made some changes to bill- if CMV driver gets DWI at .04-.07, they will not be able to keep CMV license but will be allowed to keep regular drivers license. House bill kept limit at .04 but Rep. Jones (former Highway Patrol) amended this to zero tolerance. Senate changed level back to .04 and changed current law to allow drivers to keep regular license if convicted of DWI at .04-.07
- Rick Cates mentioned that NC is only state with law that if someone tests positive in drug test, this test must be reported to DMV. As soon as that form is faxed to DMV, CDL is revoked. Trucking company is responsible for sending form to DMV. Now other states are beginning to inquire about this program.
- Waddell asked: is there anything that eliminates Prayer for Judgement for CMV? Kevin Breedlove: yes, CMV drivers not able to use PFJ. Overton

mentioned that judges are still able to get around this. Find CMV drivers guilty of improper equipment instead of greater charge. Carden: judges still punish CMV DWI offenders with lesser punishment than they should.

- C. Goals for today: break out into sub-groups and try to come up with strategies that can be presented to the Executive Committee for Highway Safety. Take strategy (if endorsed by ECHS) and find legislative sponsor.
- Charlie Diehl echoed Rick Cates earlier sentiments about transit drug-testing law that passed a few years ago in N.C. Breedlove mentioned that only problem with this is that companies do not have to report refusals. Diehl mentioned that Trucking Association would support this.
  - Jernigan mentioned blood-warrant program that allows officers to issue warrant for drivers' blood if refused. Overton said this does apply to CMV drivers as well as drivers of passenger vehicles. Diehl asked if this applies to company tests. Major Munday said this warrant is issued on the scene of suspecting DWI. Overton: program is being piloted in a few counties. Law has allowed warrant process for awhile but law enforcement have not always taken advantage of program because of manpower issues, etc. Officers in county where this program is piloted have promised to issue warrant for every refusal.
  - Nichols: problems is backup in SBI. Overton: agrees; SBI lacks manpower so they have asked prosecutors to write letter to help pass it through. Most of District Attorneys are doing this. Jernigan mentioned that SBI has received more funds to pay for manpower.
  - Carden said another problem is that this program is time consuming for officers. Especially since courts are not accustomed to this program, it takes awhile for results to be submitted to evidence. Overton: in areas where a lot of officers participate, this problem is improving. Court of Appeals had case that clarifies legality on this situation. Conference of District Attorneys is trying to disseminate this information.
  - Diehl: backseat buckle up regulation and CMV safety belt regulation encountered resistance. Hopefully data will show that these regulations save lives. How long will it take before evidence shows impact? Jernigan said we should wait a couple of years.
  - Waddell mentioned incorporating DNA hair sample into drug testing for drivers. Breedlove mentioned that this is company policy, not allowed by FMCSA. Overton asked findings of these tests: Waddell said they are 100 % positive for drug use.
  - Miller said this problem is so bad that people being told up front that drug tests are conducted. Trucking companies that hire drug users need to be aware of the fact that people hired with positive results (even if not as drivers) have higher rates of theft and other problems.
  - Jernigan: is drug problem age-specific? Waddell and Miller both mentioned problems with older drivers. Breedlove mentioned that if driver tests positive for a legal drug, Medical Review Officer (MRO) will

follow up with driver's doctor to ensure that driver is prescribed that drug.  
DOT only tests for five drugs.

II. Lunch and Subcommittee Break Out Sessions

III. Group Reconvenes: Subcommittee reports

A. Enforcement/Inspections: Major Munday

- Media Enforcement Initiative: NC Forestry Service and Wharehauser Paper: willing to fund media initiative about trucking safety
- Mobile Scales: just been purchased but have not been used much yet. Must be used in mountains or port cities. Doing media/enforcement blitz for scales.
- Equipment: radars and time-distance requirement. Possibly using ladars
- Super Scales: improve scales. Improve pits for inspections
- Safety Corridors: identify areas in state that can be called safe corridors- requires legislation
- Pre and post survey after enforcement blitz
- Train local sheriffs/police departments to help with CMV enforcement efforts
- Patrol has special enforcement teams. Possibility for other departments: assign 3-4 CMV officers tha twork nothing but CMV.
- Drug Enforcement: Criminal Interdiction at weigh stations
- Human trafficking
- State certification program: legislation
- Volunteer safety inspection at weigh stations
- Media campaign: truck statistics
- Mud-flap giveaway with enforcement message similar to "Click It or Ticket," "Booze It & Lose It" Carden: insurance companies would probably fund mud-flaps
- License checks and medical cart checks at weigh stations.
- Munday: most components can be done internally without legislative change.
- Lacy: some district court judges are looking at fines- this could help with safe corridor effort. May be an opportunity for funds to be used for motor vehicle enforcement.
- Munday: Warehauser and NC Forestry Service wants to give presentation at the next CMV Working Group meeting about their capabilities and what they have to offer.

B. Legislative/Judicial: Kimberly Overton

- Focus does not need to be just statutory changes but also educating prosecutors and judges. Develop education program for prosecutors and judges to help them understand seriousness of CMV offenses and how

they are impacting their rulings on CMV offenses. Develop model policy for District Attorneys to use- educate as to why policies are in place...

- Legislation in place already: Problems with drug legislation: will contact DMV about this to deal with time lapses and other problems.
- Change general citation that officers fill out so prosecutors will know exactly what kind of vehicle was driven and what that person did. Possibly list top 5 CMV violations. This will highlight for prosecutors that driver is CMV operator.
- NC complying with Federal Motor Carrier: CMVs are not supposed to have radar detectors. Prosecutors don't know this. We need to make changes to bring NC up to speed. NC has not increased overweight penalty structure since 1984. This could be possible legislative change.
- Educate judges and prosecutors of federal guidelines and seriousness of offenses. How offenses affect fatality rates on highways.
- Judges/law enforcement education to encourage prosecutors to vigilantly prosecute CMV cases. To teach judges why they should not give people a break.
- Interstate/intrastate: Level the playing field.
- Breedlove: 10,001 – 26,001 vehicles are not regulated. This is only place where NC is not up to federal standards. We're up to federal regulation (after safety belt law) but this could be improved.
- Tax evasion and safety: fuel tax evasion that would amount to \$30-40 million a year. This money could be used for some of these initiatives.
- Jernigan: how address this? Weigh station? Nichols: check routes- tax rates lower in GA. Motor Carrier officers check fuel bills as compared to routes. Problem with Diesel fuel. CMV drivers using non-highway fuel. Sellers expect tip for this allowance. Carden: Fuel taxes based on number of miles traveled in each jurisdiction. Comes down to resources: IFTA agreement – problems arise with distant states and difficulty of collecting taxes. Diehl: is there a legislative remedy for this problem? Carden: technology would help to make sure miles driven in NC are accurate.

#### C. Engineering/Infrastructure and Data: Tony Wyatt

- Looked at list and also identified opportunities to affect change in fatalities.
- Weight station facilities need work.
- Pits issue was discussed
- Some problems are the same as with passenger cars. Vehicles hitting each other, hitting signs, safety belts, hitting inanimate objects. (Roads/bridges/guard rails/etc)
- Rest area parking: supply and desirability of government-provided parking that is convenient or allowing parking on ramp.
- Engineering: Surface Transportation Act of 1982: things were different then. Trying to modernize network – utilize right roads to carry type vehicles traveling on them.

- Traffic signal warnings, turning radius
- Safety issue is also damage to road, bridge, etc that causes subsequent crashes.
- Exemptions and tolerances that allow for more wear and tear.
- Intersection design: Wyatt has seen improvement in handling left turns. Ensuring there is adequate sight distance.
- Service road concept- get vehicles off of higher-speed roads.
- Data: info we need to have to base initiative from to ensure they are information-driven. Not just looking at fatals but severe crashes, identifying corridors. Electronic submission business.
- Infrastructure: roll overs on ramps, grades, escape ramp situations.
- Group will focus strategies that have most potential for having sustainable impact on CMV fatalities.
- Miller: de-acceleration lanes. Mentioned at last hearing.
- Cates: mentioned fatality on 421 runaway ramp. Driver unfamiliar with NC roads.

#### D. Education: Beth Horner

- All Driver's Education issues regarding CMV will be forwarded to Cliff to address in the new Driver's Ed working group.
- Targeting middle school aged children with a no zone program was discussed.
- Educational materials that could be printed and distributed: road map for drivers distributed at rest stops, have information listed at 511, CMV brochure
- Safety Training video
- Having the "No Zone" truck accompany GHSP's expo to events.
- Conducting a "Truckers 4 Safety" campaign to increase participation w/ drivers and the public.

### IV. Working Group Wrap-Up

#### A. Meetings

- Cliff Braam suggested having technical work groups meet separately so members can attend more than one session.
- If chairs want groups to meet separately please do so.
- Next meeting: in approximately one month.

#### B. Strategies

- Wyatt: one possible strategy dealing with exemptions and the problems they cause.
- Carden: legislative group may need to bring DOT legislative liaison into group meetings.

